



## **RULES OF PROCEDURE**

**for the Monitoring Committee of Interreg VI-A Austria-Hungary**



## Preamble

In accordance with

- Regulation (EU) 2021/1060 of the European Parliament and of the Council of 24 June 2021, laying down common provisions on the European Regional Development Fund, the European Social Fund Plus, the Cohesion Fund, the Just Transition Fund and the European Maritime, Fisheries and Aquaculture Fund and financial rules for those and for the Asylum, Migration and Integration Fund, the Internal Security Fund and the Instrument for Financial Support for Border Management and Visa Policy (Common Provisions Regulation – CPR);
- Regulation (EU) 2021/1058 of the European Parliament and of the Council of 24 June 2021 on the European Regional Development Fund and on the Cohesion Fund (ERDF Regulation);
- Regulation (EU) 2021/1059 of the European Parliament and of the Council of 24 June 2021 on specific provisions for the European territorial cooperation goal (Interreg) supported by the European Regional Development Fund and external financing instruments (Interreg Regulation);
- Other regulations and directives applicable to the implementation of projects co-funded by the ERDF;
- The Interreg Programme (IP) Austria-Hungary (CCI 2021TC16RFCB009), adopted by the European Commission (EC) on 14.09.2022 /(Decision C(2022) 6704) and;
- the Commission Delegated Regulation (EU) No 240/2014 on the European code of conduct on partnership in the framework of the European Structural and Investment Funds,

the Member States (MS) Austria and Hungary in agreement with the Managing Authority (hereafter referred to as "MA") of the Interreg Programme establish a Monitoring Committee (hereafter referred to as "MC") for the implementation of the Programme Interreg VI-A Austria-Hungary (hereafter referred to as "Interreg AT-HU").

These rules of procedure are drawn up by the MC within the institutional, legal and financial framework of the participating countries.

The MC is set up as body responsible for both the strategic monitoring of the Interreg programme and the selection of projects.

The MC has a competence over Interreg AT-HU for the period 2021-2027, starting with the MC's constitutional meeting and expiring with the closure of the programme.

Based on the authorisation of the MC 2014-2020 the MC for 2021-2027 acts in matters for the programme 2014-2020.

The MC has adopted the following rules of procedure.



## 1 Tasks of the Monitoring Committee

The MC carries out its function in line with Article 30 of the Interreg Regulation. Accordingly, the MC shall examine:

- the progress in programme implementation and in achieving the milestones and targets of Interreg AT-HU;
- any issues that affect the performance of Interreg AT-HU and the measures taken to address these issues;
- the progress made in carrying out evaluations, syntheses of evaluations and any follow-up given to findings;
- the implementation of communication and visibility actions;
- the progress in implementing operations of strategic importance in Interreg AT-HU;
- the progress in administrative capacity building for public institutions and beneficiaries, where relevant.

In addition to its tasks concerning the selection of operations listed in Article 22 of the Interreg Regulation, the MC shall approve:

- the methodology and criteria used for the assessment and selection of operations, including any changes thereto;
- the evaluation plan and any amendment thereto;
- any proposal introduced by the MA for the amendment of the Interreg Programme (IP) AT-HU, including transfer of funds between priorities in accordance with Article 19(5) of the Interreg Regulation;
- the final performance report.

The MC shall select operations in accordance with Article 22 of the Interreg Regulation. For the execution of this task the following principles shall apply:

- The MC shall adopt the application package, i.e. the application form, selection methodology and criteria and eligibility manual, and acknowledge other programme manuals necessary for the implementation of projects, and any substantial changes thereof.
- The MC shall decide about the organisation of the open call for proposal.
- Selection of operations shall be made according to the approved selection methodology and criteria.
- The MC shall ensure that the reasons for its decision and conditions related to the project are clearly set, especially in the case of rejection of applications.

Furthermore, to the implementation of projects the MC shall:

- approve substantial modifications to the ERDF contract in line with the responsibilities defined in the implementation manual;
- support the MA in taking appropriate measures in case of poor implementation of the project, especially when the achievement of project targets is in danger;
- ensure that effective arrangements for the examination of complaints pursuant Article 69(7) CPR are in place - according to the procedure outlined in the programme description of the management and control system;
- discuss and acknowledge measures to support the effective achievement of programme targets, including output and result indicators and financial implementation;



- ensure that the Member States participating in the programme assume the responsibilities for the management and control obligations and liabilities laid down in the Regulations and in the implementing provisions of the IP (in particular chapter 7.3);
- if appropriate, make recommendations to the MA, including on measures taken to reduce the administrative burden for beneficiaries (according to Article 40 (3) of CPR).

Besides the above mentioned tasks and as a general principle, the MC shall be a platform for information exchange and discussion about any issues related to the implementation of the Interreg Programme, in order to ensure common understanding and a high quality implementation.

## 2 Composition of the MC

The MC is composed of the members (institutions) referred to in Annex I.

MC members may have a voting right or participate in advisory capacity. Advisors do not have a voting right; their comments will not block the decisions.

The Member States, in agreement with the MA, appoint representatives of the member institutions and substitutes within 10 working days. Any change of representatives and substitutes shall be notified to the MA as soon as possible, but no later than the day prior to the next meeting.

As for the constitution of the MC it is agreed to aim for a limited number of members, ensuring both efficiency and broad representation.

Representatives of the European Commission, the MA and, where necessary, the Audit Authority shall participate at MC meetings in an advisory capacity. The Joint Secretariat (JS) shall participate at MC meetings with a support function. The aforementioned representatives have no voting right.

In general, the nominated representative shall attend the MC meetings, the substitute shall only participate in the absence of the nominated representative. Substitutes have voting rights only in the absence of the representatives. Substitutes shall be kept informed of the work of the MC. They receive all the documents sent to the MC.

In general, the chair has the right to invite guests or experts to the MC meeting. Subject to prior notification to the JS and approval by the chair in writing, members can be accompanied by one expert. Ad-hoc experts have no voting right but may be involved in discussion upon invitation by the chair and may give advice to the MC in specific questions.

## 3 Chair

The MC shall be chaired by the MA.

The chair is responsible for the proper functioning of the MC.

The chair shall draw up the provisional agenda of the meetings in cooperation with the JS.



The chair shall convene the MC and during the meetings direct the discussion, accord the right to speak, put questions to the vote, summarise and announce decisions. Pursuant to the rules set in this document, the chair supervises the proceedings of the meetings.

The MA in its function as chair has an active but impartial role during the meetings. Therefore, the chair has no voting right, but shall have a veto right.

## 4 Meetings

The MC shall as a general rule meet twice a year, but in accordance with Article 28 of the Interreg Regulation, at least once a year, upon invitation of the chair. The MC can also be convened at the written and substantial request of one or more MC members.

The chair in cooperation with the JS is responsible for the organisation of the meeting.

MC meetings should preferably take place in physical format and, unless otherwise decided by the MC, be hosted alternating in the participating Member States. However, online meetings may also be possible.

The invitation to the meeting and the provisional agenda shall be sent by the JS at least 3 weeks before the meeting. Any request for change of the provisional agenda shall be communicated in written form to the JS within 5 days after the original agenda was sent. If the agenda, according to the request for change, was subject to substantial change, the JS will communicate the revised agenda to the MC not later than 2 weeks before the meeting. At the beginning of each meeting the agenda shall be adopted by the MC.

Handouts for the meeting shall be sent by the JS no later than 2 weeks before the meeting. In exceptional cases the MA may decide about a shorter period for sending handouts.

The minutes shall be drafted by the JS and circulated no later than 3 weeks after the meeting. MC members may formulate observations or proposals of amendments no later than 2 weeks after receipt of the document. In case these deadlines would include a longer holiday season, the MC may decide about individual deadlines. If this procedure leads to contradictory objections, the MA shall inform the MC members and seek for clarification before finalisation. If no objections are raised, the minutes are considered as approved.

MC experts shall get the invitation to the meeting only after notification to and approval by the chair. Handouts and minutes shall be provided due to attendance to the meeting.

Travel and accommodation costs of members must be covered by each participating organisation individually.

## 5 Decision making

Austria and Hungary have one vote each consisting of the members with voting rights of each country.

Voting rights of MC members cannot be delegated to other members.



The MC has a quorum if at least half of the members with voting rights are present at the beginning of the meeting. For taking decisions at least a third of the voting members and at least one of Austria and one of Hungary must be present. Voting members that are concerned by a conflict of interest do not count to the quorum.

Decisions of the MC shall be taken by consensus of the voting members Austria and Hungary.

Where the MC discusses issues controversially, the chair shall strive towards a consent. In the absence of consensus, the chair may decide to adjourn the matter to the next meeting or may obtain external advice. If, finally, no agreement can be reached among the members, the proposal shall be considered as rejected.

If the MA has doubts about the legality/legitimacy of a decision by the MC, the decision shall be taken with reservation until the issue has been clarified. The MA may seek support from the partners and the Commission in clarifying the issue. If the decision is not legitimate, the decision becomes null and void. Otherwise, the MC decision shall be deemed as valid and the MA shall inform the MC members.

### 5.1 Decision on project proposals

Concerning selection of projects, the MC may decide as follows:

- a. *The application is approved.*
- b. *The application is approved with conditions.*
  - Conditions may relate to eventual clarifications, missing details and other deficiencies that do not affect the main content and structure of the project;
  - Conditions set have to be
    - either fulfilled until signing of the contract and shall be checked by the JS. If the JS cannot decide on the fulfilment of conditions, the MA may decide to consult the MC again.
    - or fulfilled during project implementation and checked by the FLC and/or the JS. The obligation to fulfil such conditions has to be laid down in the ERDF contract.
- c. *The application is postponed.*
  - These applications are in principle welcomed by the MC.
  - However, in one or more aspects the application needs a revision or further development which is beyond the possibility of a conditional approval.
  - After the decision, the lead applicant shall be informed in writing about aspects that need revision.
  - The revised application may be resubmitted within one year of the first MC decision and will be subject of a new assessment and decision by the MC.
- d. *The application is rejected.*
  - Generally, the MC is entitled to reject any application on well-grounded reasons.
  - Especially, those applications shall be rejected that score below the respective thresholds as defined in the assessment criteria, and all those where no consensus is reached among the MC members.





- An application with the same partnership structure and/or the same or similar activities shall not be presented again.
- e. *The application is put on the reserve list.*
- Generally, those applications or parts of applications (work packages) shall be put on the reserve list that are in principle welcomed by the MC, but cannot be approved due to a lack of programme funds.
  - The MC may propose conditions, which need to be communicated to the lead partner in writing.
  - The approval of the application depends on the availability of funds.
  - Projects on the reserve list are not assessed again by the JS. They are ranked by the MC within the priorities of the programme. Upon availability of funds, the MA contracts them according to their ranking. Depending on the amount of available funds and in order to make best use of the programme budget, the MA may contract projects with smaller budget first.

MC decisions concerning selected projects shall be made public after approval of the minutes. For decisions on rejected applications, the reason for rejection must be stated and shall be communicated to the lead applicant by the JS, including the possibility to complain.

### 5.2 Decision by written procedure

For decisions to be taken by the MC outside its meetings, a decision-making procedure in writing can be initiated by the MA or upon request of any other members of the MC (e.g. urgent decision necessary). As a general rule, written procedure may not be initiated in the month of August.

A written procedure is launched on behalf of the MA and managed by the JS. The JS sends a draft decision and the concerned documents to the MC members who shall express their position in writing not later than 2 weeks after they received the written communication from the JS. In exceptional and urgent cases, the chair may decide to shorten the time to respond to 7 calendar days.

MC advisors are informed about the written procedure and may comment on it. MC experts are not involved in written procedures.

The result of a written procedure can be the following:

- a. MC members raise only technical comments. In this case the MA decides if the remarks are included in the documents. The proposal is deemed to be approved with those minor modifications.
- b. MC members express no written objection within the deadline. The proposal is deemed to be approved.
- c. One or more voting member of the MC raise a written objection within the deadline.

If a written objection is raised, the MA shall discuss the matter with the member who raised it. The MA will seek to reach consensus between the members. If no solution is found, the MA may decide to adjourn the issue to the next MC meeting or reject the proposal.



Concluding the written procedure, the JS shall inform the MC about the result and provide the final documents.

## 6 Impartiality

Any decision taken by MC when executing the tasks laid down in Article 1 of these Rules of Procedure shall be free from bias and must not be influenced by partial interest of any of the individual members participating in the MC. Where a person involved in the MC cannot exercise her/his function in an impartial and objective manner due to being compromised through her/his involvement in a project or for any other reasons involving family, emotional life, political or national affinity, economic interest or other shared interest with a project applicant or beneficiary, the respective MC representative shall immediately inform the MC chair. She/he will be excluded from the discussion and decision making on the project or subject matter concerned.

## 7 Code of conduct

MC members are bound to observe the following rules of conduct:

- To participate in all meetings as well as in written procedures.
- To act in the interest of an efficient implementation of the Interreg Programme, in accordance with the scope and objectives of the programme.
- To take decisions in the public interest and not to act in the purpose of obtaining any advantages or benefits for themselves or others.
- To declare to the chair, at the beginning or during any meeting, any situation of conflict of interest in which they might be with regards to the discussions on a specific subject matter. In this case, the member shall be excluded from discussion and decision on the subject matter.
- To inform their organisation after each meeting and written procedure of the outcomes and decisions taken.

If both the nominated representative and the substitute of a member institution fail to attend the meeting on three consecutive occasions, the MA will ask the member institution to replace the representatives.

In case these provisions are not respected by a member, the individual may be revoked by the chair, and shall be replaced by another delegate nominated by the organisation, after the issue has been clarified.

These provisions shall equally apply to all members with or without voting rights as well as any other experts invited.

## 8 Confidentiality

MC meetings are non-public and confidential in nature. Without prejudice to information and publication obligations laid down in article 12 of this Rules of Procedure, contents of





MC discussions as well as related information and documents provided via IT tools mentioned in article 11 have to be treated strictly confidentially. All applicable rules related to protection of data included in documents made available for the MC shall be observed by the MC members.

The members of the MC, as well as other invited advisors, observers and guest are bound to confidentiality obligations set out in this article and they are not entitled to disclose any details of meeting discussions. This obligation shall survive after the end of their mandate.

### **9 Working groups and task forces**

The MC may set up working groups or task forces on specific topics to support programme implementation. Such groups are bound to the same rules as the MC. The composition shall be decided according to the expertise and thematic needs.

The MC shall be informed about the work of such groups. The working groups or task forces can make proposals to the MC, but have no decision rights.

### **10 Support to the MC**

In accordance with Article 46 (2) of the Interreg Regulation, the JS shall assist the MA and the MC in carrying out their respective functions.

The JS, on behalf of the MA is responsible for the preparation, implementation and follow-up of the MC meetings, especially for the preparation of all documentation relating to the MC meetings, for drafting the minutes in coordination with the chair, for drawing up reports on programme implementation, and for maintaining the list of MC members up to date.

### **11 Communication**

Written communication between members of the MC and the MA/JS is carried out by electronic means, primarily by e-mail. The transmission of documents shall be done via e-mail, the Interreg AT-HU cloud space (<https://emsfile.interreg-athu.eu>) and the Interreg AT-HU Joint electronic monitoring system (<https://jems.interreg-athu.eu>).

### **12 Publication of information**

Pursuant Articles 28(4) and 29(2) of the Interreg Regulation the MA shall publish the list of MC members, the MC rules of procedures (this document) as well as a summary of both data and information, including decisions, approved by the MC on the programme website.

Summaries shall be published after each meeting of the MC, upon approval of the respective minutes.



## **13 Working language**

Official languages of the MC shall be German and Hungarian. Simultaneous translation shall be provided.

Where deemed more efficient, English may be used as subsidiary language.

## **14 Validity and revision**

The rules of procedure enter into force when being adopted by consensus by the MC on the occasion of the constitutional meeting. They shall remain valid until acceptance of the programme closure documents by the European Commission.

After adoption, the rules of procedure may be revised by the MC by consensus.